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C O N F I D E N T I A L STATE 016194

SENSITIVE  
SIPDIS

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TAGS: EFIN ETTC KTFN PREL PTER ZF UNSC

SUBJECT: UNSC DRC SANCTIONS COMMITTEE - DESIGNATION OF  
FDLR LEADERS

REF: A. USUN 148  
B. KIGALI 54  
C. STATE 3354  
D. KIGALI 25  
E. STATE 731  
F. 08 STATE 131896  
G. 08 PARIS 1695  
H. 08 USUN 808  
I. 08 BRUSSELS 1346  
J. 08 LONDON 2196  
K. 08 STATE 90905  
L. 08 KIGALI 568  
M. 08 STATE 86006  
N. 08 PARIS 1100  
O. 08 STATE 60880

Classified By: IO ACTING A/S WARLICK FOR REASONS 1.4 (B) & (D)

11. (U) This is an action request. Please see paras 3 and 4.

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STRATEGIC OBJECTIVE  
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12. (SBU) The United States wishes to join the UK, France, and Belgium on Monday, 23 February 2009 in submitting the request to the UN Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo ("the DRC Committee") to list four individuals linked to the Forces Democratiques de Liberation du Rwanda ("FDLR"). Once listed, these four individuals will be subject to an asset freeze and travel ban.

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ACTION REQUEST  
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13. (U) USUN may inform UK, French, and Belgian Missions that we would be agreeable to joining them in submitting the four FDLR leaders (Statements of Case in para 10) to the DRC Committee for designation on Monday, 23 February 2009. We have discovered some of the aliases in the earlier version of the SOCs to be erroneous, and these aliases cannot be included in the SOCs. USUN is also to inform the Secretariat that we change our temporary "hold" on the Rwandan May 2008 submission (S/AC.43/2008/NOTE.13) to a permanent "block" due to inadequate identifiers in the 2008 submission. (Rwanda will need to provide the required information for any subsequent submissions per para 4 below.)

14. (U) Embassy Kigali is requested to inform the Government of Rwanda (GOR) that its UN Mission in New York expressed concerns about presenting the revised Statements of Case (SOCS) (reftel A), which had been previously discussed and agreed in Kigali (reftel B and D). We planned to cosponsor

the Rwandan designation of these four FDLR leaders. However, in the interest of taking action against the FDLR, we will block the Rwandan May 2008 submission and will join other governments in submitting the four names to the DRC Committee for designation. The GOR may inform the Secretariat if it wishes to cosponsor this submission. If the GOR would like additional individuals/entities listed in the DRC Committee, we encourage them to submit the information required for listings, including bio-identifiers and justification for listing (see paras 12 and 13). Post may draw on the points in para 11 for discussions with the GOR.

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BACKGROUND  
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15. (SBU) In May 2008, the Government of Rwanda requested that the UN Security Council DRC Sanctions Committee list nineteen individuals linked to the FDLR. The GOR submission was twelve pages long, and it was clearly resource-intensive to produce. However, the submission was not fully supported by complete identification information ("bio-identifiers") for each individual and information demonstrating that each individual meets the listing criteria. This information is necessary in order to ensure that individual designations are appropriately made and implemented through fair and clear procedures. Therefore, U.S., UK, Belgium, and France placed holds on the entire GOR submission.

16. (SBU) The United States thanked the GOR for its extraordinary effort and expressed a desire to work with the GOR to list as many of the individuals as possible. To meet the evidentiary requirements to implement sanctions, the United States asked the GOR to provide additional identification information. Since May 2008, the USG has worked to develop "evidentiary packages" (the compilation of the bio-identifiers and information demonstrating that each individual meets the listing criteria) for the individuals, and during this process we found information to supplement the bio-identifiers provided by the GOR. We also discovered that some of the aliases provided were erroneous (para 10). By December 2008, the United States was able to agree to the DRC Committee listing the four individuals from the GOR submission listed in para 9, and had shared information in New York and in capitals on the four individuals with a view to jointly lifting the holds.

17. (SBU) Given events in the DRC, allies have been anxious to take action as soon as possible (reftels G, H, I, and J), and we share this urgency to move forward on this listing. However, it is important for countries in the region to make listing proposals so that sanctions are not viewed as a tool of the U.S., UK, and France alone. Therefore, Embassy Kigali provided the GOR with the revised SOCs on 17 January, with the hope that the Rwandan UN Mission would submit the revised SOCs to the DRC Committee (reftel C). Rwandan Special Envoy for the Great Lakes (and former Rwandan Perm Rep to the UN) Ambassador Joseph Mutaboba did not foresee any problem with the Government of Rwanda resubmitting the four names to the UNSC DRC Sanctions Committee (reftel D). Mutaboba said he would contact the Rwandan Mission in New York and suggested USUN do so as well. USUN provided the Rwandan Mission with the revised SOCs. However, it was clear the Rwandan Mission had not received instructions from Kigali to submit the revised SOCs. Embassy Kigali followed up with the Rwandan MFA, and understood that Kigali would send the Rwandan Mission instructions (reftel B).

18. (C) On February 11, the Rwandan Mission told USUN that Rwanda had no intention of resubmitting the names (reftel A). The Rwandan Mission said that they were at the mercy of the United States, since the United States was the only state that had a problem with their prior submission, so they are waiting for instructions from the United States UNSC sanctions committees operate by consensus and their meetings are closed, so the United States cannot inform the GOR that the UK, France, and Belgium also placed holds on the GOR submission. Given the Rwandan Mission's position, we will

change our temporary hold on the GOR May 2008 submission to a permanent block, while continuing to consider the other names presented by the GOR for possible listing in the DRC Committee.

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INDIVIDUALS  
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19. (U) Names

- (1) MBARUSHIMANA, Callixte
- (2) NTAWUNGUKA, Pacifique
- (3) MUJYAMBERE, Leopold
- (4) NZEYIMANA, Stanislas

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STATEMENTS OF CASE  
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10. Statements of Case to be provided to the DRC Committee:

- (1) MBARUSHIMANA, Callixte

AKA: -  
Title: FDLR Executive Secretary  
DOB: 24 July 1963  
POB: Ndusu/Ruhengeri, Northern Province, Rwanda  
POB: Ruhengeri Province, Rwanda  
Nationality: Rwandan  
Location: Paris or Thiais, France  
Designation Justification: Callixte Mbarushimana is a political leader of a foreign armed group operating in the Democratic Republic of the Congo that impedes the disarmament, repatriation, or resettlement of combatants, in violation of UNSCR 1857 (2008) OP 4 (b).

- Nzabonimana, Eprem Kilotu, Bwarayaze, and Bangamwaze are NOT aliases for Callixte Mbarushimana.  
- Mbarushimana was arrested in Germany in 2008, but he was released by German authorities on 4 November 2008. He should NOT be listed as located as "imprisoned in Germany."

- (2) NTAWUNGUKA, Pacifique

AKA: NTAWUNGULA, Pacifique  
AKA: Colonel Omega  
AKA: Nzeri  
AKA: Israel  
Title: Commander of FDLR 1st Division  
Title: Colonel  
DOB: 01 January 1964  
DOB: Est. 1964  
POB: Gaseke, Gisenyi Province, Rwanda  
Nationality: Rwandan  
Location: Peti, Walikale - Masisi Border, DRC  
Designation Justification: Pacifique Ntawunguka is a military leader of a foreign armed group operating in the Democratic Republic of the Congo that impedes the disarmament, repatriation, or resettlement of combatants, in violation of UNSCR 1857 (2008) OP 4 (b).

According to the 13 February 2008 UNSC DRC Sanctions Committee's Group of Experts report, girls recovered from FDLR-FOCA had previously been abducted and sexually abused. Since mid-2007, FDLR-FOCA, which previously recruited boys in their mid to late teens, has been forcefully recruiting youth from the age of 10 years. The youngest are then used as escorts, and older children are deployed as soldiers on the frontline, in violation of UNSCR 1807 (2008) OP 13 (d) and (e).

- Ntawunguka is NOT an alias for Pacifique Ntawunguka.  
- We have an additional DOB potentially used by Ntawunguka: Est. 1964

- (3) MUJYAMBERE, Leopold

AKA: Ibrahim, Frere Petrus  
AKA: Musenyeri  
AKA: Achille

Title: Commander, FDLR CO 2nd Division  
Title: Colonel  
DOB: 17 March 1962  
DOB: Est. 1966  
POB: Kigali, Rwanda  
Nationality: Rwandan  
Location: Mwenga, South Kivu Province, DRC  
Designation Justification: Leopold Mujyambere is a military leader of a foreign armed group operating in the Democratic Republic of the Congo that impedes the disarmament, repatriation, or resettlement of combatants, in violation of UNSCR 1857 (2008) OP 4 (b).

According to the 13 February 2008 UNSC DRC Sanctions Committee's Group of Experts report, girls recovered from FDLR-FOCA had previously been abducted and sexually abused. Since mid-2007, FDLR-FOCA, which previously recruited boys in their mid to late teens, has been forcefully recruiting youth from the age of 10 years. The youngest are then used as escorts, and older children are deployed as soldiers on the frontline, in violation of UNSCR 1807 (2008) OP 13 (d) and (e).

- No issue with the aliases for Leopold Mujyambere.
- We have an additional DOB potentially used by Mujyambere: 17 March 1962

(4) NZEYIMANA, Stanislas  
AKA: BIGARUKA IZABAYO, Deogratias  
AKA: Bigarura  
AKA: Bigaruka  
AKA: Izabayo Deo  
Title: Deputy Overall Commander FOCA  
Title: Brigadier General  
DOB: 01 January 1966  
DOB: Est. 1967  
DOB: alt. 28 August 1966  
POB: Mugusa (Butare), Rwanda  
Nationality: Rwandan  
Location: Kalonge, Masisi, North Kivu, DRC  
Location: Kibua, DRC

Designation Justification: Stanislas Nzeyimana is a military leader of a foreign armed group operating in the Democratic Republic of the Congo that impedes the disarmament, repatriation, or resettlement of combatants, in violation of UNSCR 1857 (2008) OP 4 (b).

According to the 13 February 2008 UNSC DRC Sanctions Committee's Group of Experts report, girls recovered from FDLR-FOCA had previously been abducted and sexually abused. Since mid-2007, FDLR-FOCA, which previously recruited boys in their mid to late teens, has been forcefully recruiting youth from the age of 10 years. The youngest are then used as escorts, and older children are deployed as soldiers on the frontline, in violation of UNSCR 1807 (2008) OP 13 (d) and (e).

- "Mateso" and "Jacques Izabayo" are NOT aliases for Stanislas Nzeyimana
- "Deo" is NOT a single name alias
- We spell "Deo Gracias" as "Deogratias"
- We have additional DOBs potentially used by Nzeyimana: 01 January 1966 and Est. 1967

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POINTS FOR DISCUSSION

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¶11. (U) Posts may draw on the following points in discussions with the Government of Rwanda:

-- The U.S. would like to thank the GOR again for its extraordinary effort and wants to work with the GOR to list as many of the individuals as possible.

-- In order to ensure UN sanctions are implemented in as fair and transparent a manner as possible, each listing should be supported by adequate identifying information and information demonstrating that each individual meets the listing criteria.

-- The Government of Rwanda's submission was clearly the result of much effort. However, some supporting information, particularly bio-identifiers, required for effective implementation of UN sanctions was not included.

-- The U.S. has developed additional identifier information for four of the individuals (para 10) in the GOR's submission. The U.S. will join other countries in submitting these four FDLR leaders to the DRC Committee.

-- We had hoped to lift our hold on these four names from the Rwandan submission and show our support for the listings by cosponsoring the Rwandan listing.

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BIO-IDENTIFIERS  
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¶12. (U) Identifiers Requested for Designations

For each target, we would like to compile the following types of identifier data:

- Name
- Aliases and AKAs
- Passport number(s) and country of issuance
- Citizenship
- Date of Birth (ideally, a precise date; if not, the year of birth)
- Place of birth
- Current location
- Professional title

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UNSC DRC SANCTIONS COMMITTEE LISTING CRITERIA  
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¶13. (U) Individuals or entities proposed for listing must meet one or more of the listing criteria from operative paragraph 4 of UNSC Resolution 1857 (2008):

- a) Persons or entities acting in violation of the measures on arms embargo with respect to non-governmental entities and individuals in the Democratic Republic of the Congo (DRC);
- b) Political and military leaders of foreign armed groups operating in the DRC who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups;
- c) Political and military leaders of Congolese militias receiving support from outside the DRC, who impede the participation of their combatants in disarmament, demobilization, and reintegration processes;
- d) Political and military leaders operating in the DRC and recruiting or using children in armed conflicts in violation of applicable international law;
- e) Individuals operating in the DRC and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement;
- f) Individuals obstructing the access to or the distribution of humanitarian assistance in the eastern part of the DRC; and/or,
- g) Individuals or entities supporting the illegal armed groups in the eastern part of the DRC through illicit trade of natural resources.

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POC AND REPORTING DEADLINE  
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¶14. (U) Jean Clark in IO's Office of Peacekeeping, Sanctions, and Counterterrorism (clarkj@state.sgov.gov, 202.736.7736) is the point of contact.

¶15. (U) Department appreciates Posts' efforts.  
CLINTON